IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1345 OF 2006.
IN
CRIMINAL APPEAL NO. 1271 OF 2006.

Jayukumar Mahade Kale and ors. ... Applicants.
(Accused Nos.1 to 4, 6 to 14 and 16)

Versus.

The State of Maharashtra & anr. ... Respondents.

AND

CRIMINAL APPLICATION NO. 1346 OF 2006
IN
CRIMINAL APPEAL NO. 1272 OF 2006

Safiq Gulam Hussain Inamdar & ors. ... Applicants.
(Accused Nos.15 and 17)

Versus.

The State of Maharashtra and anr. ... Respondents.

Smt.Revati Mohite-Dere with Shri Yogesh Pawar for the Applicants in both the Applications.

Shri A.S.Shitole, A.P.P. for the State in Cri.Appln. No.1345 of 2006.

Shri U.V.Nikam, A.P.P. for the State in Cri.Appln. No.1346 of 2006.

Shri R.S.Kate for the Respondent No.2 in both the Applications.

CORAM : ABHAY S.OKA, J.

DATED : 21st December, 2006.

P.C.:

1. Leave to amend. Amendment to be carried out within two days. Heard the Advocates appearing for the Applicants. The conviction of the Applicants is for offences punishable under section 147, 148, sections 324, 325 and 427 read with section 149 of the Indian

Penal Code. I have heard learned A.P.P. and Shri Kate appearing for the original complainant and the Respondent No.2. The Application is opposed by the learned A.P.P. and Shri Kate by pointing out the alleged criminal antecedents of some of the Applicants.

2. It is not in dispute that the Applicants were on bail throughout the trial. There is no allegation against the Applicants as regards misuse of liberty granted during the pendency of trial.

3. The substantive sentences are ordered to run concurrently. The maximum substantive sentence is of rigorous imprisonment for five years.

4. Shri Kate has submitted a chart which is taken on record. There were seven cases against some of the Applicants who are named in the chart. Out of the seven cases, three cases have resulted in acquittal. Status of one case is not known and status of three other cases is that the same are pending. In the pending cases, admittedly, the concerned Applicants are on bail.

5. In view of the decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai and others vs. State of Gujarat [(1999) 4 Supreme Court Cases 421], the Applicants will have to be enlarged on bail as

considering the pendency of old Appeals of the year 1989-90 in this Court, these Appeals are not likely to be heard before expiry of period of substantive sentence. Hence, Applicants deserve to be enlarged on bail.

6. Accordingly, Applications are disposed of by passing following order:

i) The Applicants shall be enlarged on the same bail on which they are enlarged during the pendency of the trial subject to filing fresh bail bonds.

ii) Bail is granted subject to condition that the Applicants will report to Baramati Police Station on first Saturday on every calendar month.

iii) Writ to be issued after the amendment is carried out.

Judge.